Supreme Court, U.S.
FILED
JUL 3 1986
JOSEPH F. SPANIOL, JR.
CLERK

NO. 85-2018

IN THE SUPREME COURT OF THE
UNITED STATES

OCTOBER TERM, 1985

ARTHUR KUNGLE, JR.

Petitioner

v.

ST. JOHN'S COLLEGE, et. al.

Respondents

ON PETITION FOR WRIT
OF CERTIORARI
TO THE COURT OF APPEALS OF MARYLAND

RESPONDENT'S BRIEF IN OPPOSITION

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STATEMENT OF THE CASE

Arthur Kungle, Jr. initiated an action in the Circuit Court for Anne Arundel County against St. John's College and several of its officers and trustees. Mr. Kungle filed numerous pleadings in the forms of Complaints, Amended Complaints, and Revised Complaints. On each separate occasion, St. John's moved to strike Mr. Kungle's pleading on the basis of their being unintelligible and not in compliance with the Maryland Rules. Subsequent to Mr. Kungle's fourth attempt to amend, the Court struck his last pleadings and dismissed the Complaint with prejudice.

Mr. Kungle then moved to alter or amend the judgment and the Court struck the motion and declared its

original Order in full force and effect.

Mr. Kungle then appealed the denial of his Motion.

Mr. Kungle filed a brief and St. John's College presented a brief including two Motions to Dismiss.

The Court of Special Appeals, in a per curiam opinion filed November 26, 1985, granted St. John's College's Motion to Dismiss.

Mr. Kungle then filed additional pleadings entitled Motion to Rescind the Dismissal and Reinstate Case and a separate Motion for Reconsideration. The Court of Special Appeals entered its mandate on December 30, 1985 in favor of St. John's College.

Mr. Kungle subsequently filed a Petition for Writ of Certiorari in the Court of Appeals of Maryland. That

Court denied certiorari on March 10, 1986.

GROUNDS FOR DENIAL OF WRIT

Rule 17 of the Supreme Court Rules describes the necessity that a case to be presented to this Court only where there are special and important reasons, in particular, when a state court of last resort has decided a federal question in conflict with other courts. Mr. Kungle, in his petition to this Ccurt, has failed to clearly and distinctly, with accuracy, brevity and clarity, define the jurisdictional basis of his petition. The Courts of the State of Maryland, throughout the proceedings, have done everything in their power to assist Mr. Kungle in filing a proper pleading. No federal questions have been decided by any of the lower

courts in this case. The trial court allowed Mr. Kungle four different opportunities to file a proper complaint in compliance with the Maryland Rules and sufficient to put the parties and the Court on notice as to the nature of his complaint and the relief requested. The Court of Appeals attempted to review Mr. Kungle's Brief, Appendix, and Reply Brief. Both Courts have been unable to determine the nature of Mr. Kungle's complaint in a manner that would allow for judiciability and decision by proper legal procedures. The Court of Special Appeals, in its opinion of November 26, 1985, dismissed Mr. Kungle's appeal on the basis that he failed to comply with the rules of the Court in filing his appeal. The Court made an effort to

understand the nature of his complaint, both at the trial level and at the appellate level, but was unable to determine the legal basis of his complaint. The Court of Appeals of Maryland, upon reviewing a Petition for Writ of Certiorari, found that there was no showing that review by certiorari was desirable and in the public interest.

Similarly here, in his Petition for Writ of Certiorari, Mr. Kungle again exhibits his inability and failure to provide legally adequate pleadings which comply with the rules of Court. Although Mr. Kungle has obviously put substantial effort into preparing his documents, it is clear that no review by this Court or any Court will benefit the public interests nor provide a sufficient

determination of the issues to present a case for substantive determination.

CONCLUSION

The Respondents, St. John's College, et. al., respectfully pray that this Court decline to review this case.

Respectfully submitted,

WOLMAN, GUSHEE & NEWMAN

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CERTIFICATE OF SERVICE

This is to certify that on this 7th day of July, 1986, three copies of the foregoing were sent to Arthur Kungle, Jr., P. O. Box 365, Annapolis, Maryland 21401, via first class mail, postage prepaid.

Benjamin R. Wolman
Benjamin R. Wolman